

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID D. WISE,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 10-1677
)	Judge Nora Barry Fischer
WASHINGTON COUNTY; and CAPTAIN)	
MICHAEL KING, individually and in his)	
capacity as a Washington County Corrections)	
Officer,)	
)	
Defendants.)	

MEMORANDUM ORDER

AND NOW, this 23rd day of October, 2014, in light of Defendants' Motion for Sanctions (Docket No. [285]), Plaintiff's Response thereto (Docket No. [289]), this Court having heard argument on September 17, 2014, (Docket No. [292]), the statements on the record at same, the transcript of the argument having been filed (Docket No. [300]), and the Court's review of the pertinent filings in this case,

IT IS HEREBY ORDERED that Defendants' Motion (Docket No. [285]) is DENIED, in part, to the extent it seeks sanctions against Mr. Fisher under this Court's inherent power to sanction attorneys who appear before it. In support of same, the Court notes:

In *Prosser v. Prosser*, 186 F.3d 403 (3d Cir. 1999), the United States Court of Appeals for the Third Circuit extended the supervisory rule set out in *Mary Ann Pensiero, Inc. v. Lingle*, 847 F.2d 90 (3d Cir. 1988) to inherent power sanctions in requiring that motions be filed before judgment is entered. *Prosser*, at 406. Here, this Court entered its final judgment on April 15, 2014. (Docket No. [254]). On April 30, 2014, Defendants filed a Motion for Extension of Time to File a Motion for Costs and Fees Pursuant to 28 U.S.C. § 1927, FED.R.CIV.P. 11, and the Court's Inherent Authority, (Docket No. [160]), and on July 18, 2014, they filed the instant

Motion for Sanctions (Docket No. [285]). It is clear that Defendants' claim for sanctions under the Court's inherent power was filed after the entry of judgment and, accordingly, it should be denied.

For the reasons stated above, Defendants' Motion for Sanctions [285] is DENIED, in part, to the extent it seeks sanctions pursuant to this Court's inherent authority. Defendants' Motion [285], to the extent it seeks sanctions pursuant to 28 U.S.C. § 1927, remains under advisement pending the filing of Plaintiff's questionnaire, which was ordered on this date.

s/ Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc/ecf: All counsel of record